

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

NO. 24-5282

D.C. Docket No. 1:23-CV-001143

**Puckett, et., al.
Plaintiffs-Appellants,**

v.

**Jabbar, et., al.
Defendants,-Appellees.**

On appeal from the United States District Court for the Western District of Tennessee Eastern Division

AMENDED NOTICE OF APPEAL

Carl Puckett
2170 Old Gardner Road
Martin Tn 38237
731-281-4581

Marcella Puckett
2170 Old Gardner Road
Martin Tn 38237
731-291-4591

**Amended Notice of Appeal to a Court of Appeals From an
appealable order of a District Court**

**United States District Court for the Western
District of Tennessee
Eastern Division
Docket Number 1:23-cv-001143**

**Puckett et., al.,
Plaintiff/Appellant**

App NO 24-5282

V.

Amended Notice of Appeal

**Jabbar et., al.
Defendant/Appellee**

**Comes now Carl Puckett and Marcella Puckett “Pro-Pro-Se” and hereby
amend their appeal to the United States Court of Appeals for the Sixth Circuit
from the final the appealable order or denial of their motion for
reconsideration judgment entered on April 16th 2024 in the above entitled**

action:


**Carl Puckett Plaintiff/Appellant “Pro-Se”
2170 Old Garner Road Martin Tennessee 38237
(731)2814581**


**Marcella Puckett Plaintiff/Appellant “Pro-Se”
2170 Old Gardner Road
Martin Tennessee 38237 (731)281-4581**

CIVIL APPEAL STATEMENT OF PARTIES AND AMENDED ISSUES

Richard Guerra -Defendant

Arthur Robert Weaver- Defendant

Axencis- Defendant

Kareem Abdul Jabbar- Defendant

Ain Jeem Inc - Defendant

Iconomy - Defendant

Nicole Fundora- Defendant

Alejandro Fernandez/Akerman Law- Defendant

Etsy, Inc- Defendant

Stephen Milbrath- Defendant

Jessica Kramer- Defendant

Magistrate Anthony E Porcelli-

Defendant Judge Virginia Hernandez-Covington-

Defendant National Basketball Association-Defendant

Brickell IP Group PLLC- Defendant

2. Amended 2. Issues on appeal

- 1) The court abused its discretion in clear error acting with prejudice and bias by adopting erroneous facts and statements from defendant Etsy Counsel's opposition pleading to their motion for reconsideration (EFC 142 at 4 footnote 1) where the court specifically erroneously repeated in its decision of denial Plaintiffs have raised for the first time claims about vetting their RICO case with the U.S. Attorney's Office, Because Plaintiffs raise these arguments for the first time in a Motion for Reconsideration, the Court holds that it is not a proper basis for altering or amending the judgment," (EFC 154 at 4 courts order) where an independent review of the record clearly shows the PLaintiffs had raised these arguments as early as 12/23 in (EFC 87 at 2) as well as other pleading documents.
- 2) The court abused its discretion in clear error in failing to conduct an independent review of the record de novo or otherwise despite its claims in doing so and instead prejudicially adopted language and erroneous facts in clear error and contrary to law from the defendants pleadings in this case in clear bias and prejudice against the plaintiffs.
- 3) The court abused it discretion in referring to "Pro-Se" Plaintiff's as vexatious litigants and threatening restrictions on their access and filing within the court system at the request of defendant's counsel after improper inducement and wrongful denial of leave to amend
- 4) The Court abused its discretion in referring to Plaintiff's meeting the pre-filing requirement of obtaining permission from the U.S. Attorney's office and being granted permission where plaintiffs could not have filed their complaint without it and which would result in an improper inducement defense and entitle Plaintiffs to a recovery of their costs IF the court's finding of frivolous is upheld
- 5) The plaintiff's prior unrelated case was voluntarily withdrawn and dismissed without prejudice prior to any service of summons where the R&R was NOT adopted by the court prior to dismissal, but the court is abusing its discretion

in treating the case as having been dismissed with prejudice against the plaintiffs in this case.

- 6) The court abused its discretion in determining that the Plaintiffs citing of their pre filing Rule 11 investigations and legal requirements to obtain authorization permission from the U.S. attorney prior to filing as a newly introduced “legal theory” that could not be introduced for the first time in a motion for reconsideration, when the plaintiffs had included this information repeatedly throughout the course of multiple pleadings during the pendency of the case , including their renewed motion for appointment of counsel due to conflict in a complex civil litigation (EFC 87), and were entitled to reiterate the facts in their defense of improper inducement against frivolous and vexatious litigant claims the court abused its discretion in permitting defendants to assert against the plaintiffs without permitting such defense The court stated “Plaintiffs have raised for the first time claims about vetting their RICO case with the U.S. Attorney’s Office, Because Plaintiffs raise these arguments for the first time in a Motion for Reconsideration, the Court holds that it is not a proper basis for altering or amending the judgment,” which is a clear error as Plaintiffs squarely raised the issue on 12/18/23/ in (EFC 87) to which the court failed to respond.
- 7) Plaintiffs carried their burden to show in the motion for reconsideration the decision was manifestly unjust and a clear error of law
- 8) The court abused its discretion in failing to address the conflict between the magistrates 8/23 R&R (EFC 9) which was required to examine the complaint to determine if it was frivolous and instead determined it was well researched and supported by extensive exhibits from the R&R (EFC 120) issued after the Plaintiffs filed a motion due to conflict of interest now stating their complaint was frivolous the court abused its discretion in adopting, which is the subject of their appeal
- 9) Plaintiffs properly requested leave to amend their complaint within 21 days of the first defendants filing of a motion to dismiss which the court failed to grant and should freely have granted.

- 10) If plaintiffs are not entitled to amend their complaint the plaintiffs should be entitled to costs and to submit their corrected costs to include the amounts expended for the pacer account and other expenses inadvertently left out in their initial submission, for improper inducement and cannot be threatened with an unwarranted and unconstitutional restriction on their rights to judicial access or labeled vexatious litigants by the court in this action at the request of the defendant representative contributing to the improper inducement

I certify that this Amended Notice of appeal and amended civil appellate statement was served on opposing counsel of record this 17th day April, 2024.



Marcella Puckett
2170 Old Gardner Road
Martin Tennessee 38237



Carl Puckett
2170 Old Gardner Road
Martin Tennessee 38237

SERVICE BY MAIL AS FOLLOWS

Atty Richard Guerra and Weaver for def
1101 Brickell Ave, Ste 800
Miami, Fl. 33131

Iconomy
Ain Jeem
Kareem Abdul Jabbar
Deborah Morales
Richard Guerra
Robert Weaver
Brickell IP Group PLLC

Attorney Nicole Fondura for Def
1449 Oakwood Drive
Miami Springs, Fl. 33166

Nicole Fondura

Akerman Law for Def.
401 E. Jackson st. ste. 1700
Tampa, FL. 33602

Alejandro Fernandez
Akerman Law

Attorney H. Gwinn for Def
GRSM
4031 Aspen Grove Drive, Ste 290
Franklin, Tn. 37067

Stephen D Milbrath

Atty Kerry Culpepper for Def
75-170 Hualalai Rd Ste. B204
Kailua-Kona, Hawaii 96740

Axencis. Inc

Atty Greg Dubinsky for Def
HSGLLP
425 Lexington Ave
New York, N.Y. 10017

NBA properties

Atty Wachter for Def
HKLAW

Jessica Kramer

511 UNIon Street, Ste. 2700
Nashville Tn. 37219

Atty P. Prather for Def. Etsy, Inc.
Littler Mendelson, P.C.
One Commerce Square
40 South Main Street, Ste. 2500
Memphis, Tn 38103

Atty M. Maulqueen for Def NBA Properties
Baker Donelson
First Tennessee Building
165 Madison Ave, Ste. 2000
Memphis, Tn 38103

U.S. Attorney A. Calkins for Def Magistrate Anthony Porcelli
U.S.D.O.J. Judge Virginia Hernandez-Covington
167 N. Main Street, Ste 800
Memphis, Tn 38103

Defendants were served by mailed to the following mailing addresses on file with the court.